

AUG 04 2011

ATTACHMENT A:STIPULATED FACTS – UNITED STATES v. BENJAMIN MARK URBAN AT GREENBELT
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

If this matter had proceeded to trial, the government would have proven the following beyond a reasonable doubt. The parties agree that the following facts do not encompass all of the facts that would have been proven had this matter proceeded to trial.

At all times relevant to this case, the Guardia Civil (Civil Guard), a police force in Spain, utilized an application called “Hispalis” to search for possessors of child pornography videos within the eDonkey peer-to-peer file-sharing system. On March 11, 2010, the Guardia Civil provided the Federal Bureau of Investigation (“FBI”) with an Internet Protocol (“IP”) address identified in the United States that was affiliated with at least six child pornography videos from approximately January 1, 2010 to March 3, 2010 that had been obtained or shared via eDonkey. The computer identified with IP address 68.48.111.215 was determined to be in possession of files depicting child pornography on several occasions during this time period. At the time of the downloads, the IP address 68.48.111.215 was assigned to an account maintained in the name of M. Urban, 1405 Caddington Avenue, Silver Spring, Maryland.

On September 21, 2010, FBI agents executed a federal search warrant at the residence of **BENJAMIN MARK URBAN** and his parents at 1405 Caddington Avenue, Silver Spring, Maryland. Agents seized a MacBook Pro computer, various other computers, hard drives, MP3 players, and various CDs, DVDs, and discs that were knowingly possessed and used by **BENJAMIN MARK URBAN**. That MacBook Pro computer contained numerous photos and videos depicting child pornography. Some of these images and videos contain known, identified victims. Examples of those videos are the following:

- A file entitled “6 Yo Season v002-Bath kleuterkutje.mpeg,” which depicts a naked prepubescent female performing oral sex on an adult male. (File created on 08/25/2009)
- A file entitled “!New! (Pthc) 2007 9 yo Girl Jenny Sucks Dog Dick.mpeg,” which depicts a naked prepubescent female performing oral sex on a dog. (File created on 11/14/2009)
- A file entitled “(pthc) Inga childlover_0059.mpg,” which depicts a prepubescent female laying on a bed with her genitalia exposed; an adult male’s fingers rub her genitalia and penetrate her anus. (File created on 08/03/2008)
- A file entitled “(Pthc) Kelly 9 yo-Finger In Pussy And Ass.mpg,” which depicts a prepubescent naked female laying on the bed with her genitalia exposed while an adult male rubs her genitalia and digitally penetrates her anus. (File created 02/20/2009)
- A file entitled “1 yo Baby Daphne 002 (New) Preview.mpg,” which depicts what appears to be a female infant’s genitalia exposed and being rubbed by an adult male’s fingers. (File created on 10/08/2008)

At the time of the search, URBAN voluntarily agreed to speak with law enforcement officers. URBAN admitted that he has viewed child pornography since he was 18 years old, approximately nine years ago, and that he viewed child pornography every day or every other day. URBAN stated that he primarily used eDonkey to obtain child pornography, and left the program running at all times. Before using eDonkey, URBAN used another peer-to-peer file sharing program and websites to obtain child pornography. URBAN stated that he has shared images of child pornography via file-share programs and through direct file transfer. URBAN stated that he possessed at least 275 gigabytes of child pornography.

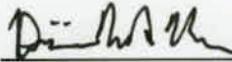
URBAN stated that his "best friend" was an 11-year old autistic girl, whom he speaks to via a web camera and streaming video everyday. He began his interaction with her when she was nine years old. URBAN has obtained multiple videos of this girl being tickled by her 17-year-old brother, in one of which she is in a shirt and underwear, and her body under her shirt is visible. URBAN asked her to send him nude pictures of herself, but she has refused. URBAN has also chatted with other 11-year-old children online.

*although
the defendant
denies
knowing
she girl
was
autistic
CASTOME
Dated 8/4/2011*

An analysis of URBAN's computer revealed that he possessed at least 150 video files and 6000 images of child pornography. The materials included images of prepubescent children, some of which were engaged with adults in sexually explicit conduct; in total, the offense involved 600 or more images of child pornography and material that contained child pornography, as defined by 18 U.S.C. § 2256(8), which had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer, and had been produced using materials that had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer.

I have read this statement of facts, and have carefully reviewed it with my attorney. I acknowledge that it is true and correct.

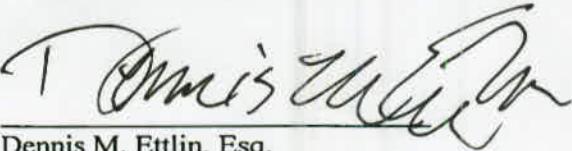
8/4/11
Date



Benjamin Mark Urban

I am Benjamin Mark Urban's attorney. I have carefully reviewed the statement of facts with him.

8/4/11
Date



Dennis M. Ettlin, Esq.